United Nations A/66/712–S/2012/108

General Assembly
Security Council

Distr.: General
27 February 2012

Original: English

General Assembly
Sixty-sixth session
Agenda item 68
Right of peoples to self-determination

Security Council
Sixty-seventh year

Identical letters dated 21 February 2012 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council

On behalf of the Permanent Representatives at the United Nations of the States members of the Cooperation Council for the Arab States of the Gulf, and in the capacity of the Kingdom of Saudi Arabia as Chair of the Council, I have the honour to enclose herewith a letter (see annex), in response to the letter addressed to you by the Minister for Foreign Affairs of the Islamic Republic of Iran, dated 15 February 2012.

It would be appreciated if the present letter and the annex thereto could be circulated as a document of the General Assembly, under agenda item 68, and of the Security Council.

(*Signed*) Abdallah Y. **Al-Mouallimi**
Permanent Representative of Saudi Arabia,
Chair of the Cooperation Council for the Arab States of the Gulf

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Annex to the identical letters dated 21 February 2012 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council

We, the undersigned, the Permanent Representatives of the members of the Cooperation Council for the Arab States of the Gulf (GCC), hereby wish to express our utmost disapproval of the letter addressed to you by the Foreign Minister of the Islamic Republic of Iran dated 15 February 2012, pertaining to the Kingdom of Bahrain. The letter constitutes a flagrant interference not only in the internal affairs of a Member State of the United Nations, but also in the internal affairs of the Cooperation Council for the Arab States of the Gulf. It is a clear violation of the principles of non-interference enshrined in the Charter of the United Nations as well as of the most basic principles of good-neighbourliness, international relations and international law.

It is unfortunate that the members of the Cooperation Council for the Arab States of the Gulf must once again address Iranian meddling in GCC affairs, as reflected in the 120th Ministerial Council session statement: "The Council condemns Iran's continuing intervention and blatant provocations in the internal affairs of the GCC States. Iran's attempt to sow discord and promote sectarian strife in the Arab countries constitutes a violation of sovereignty and contradicts international norms and laws and the principles of good-neighbourliness, principles enshrined both in the United Nations Charter and in the Organization of Islamic Cooperation."

Maintaining the security and stability of the member States of the GCC is a collective responsibility, based on complementarity and solidarity and on the consideration that the security and stability of member States of the GCC is indivisible in accordance with the relevant covenants and security and joint defence agreements. The threat to the security and stability of any member State of the GCC is considered to represent a threat to the security and stability of all member States of the GCC.

In this context, the presence of the Peninsula Shield joint forces, which were created in 1984 and are composed of all GCC member States, including Bahrain, is based on a sovereign request by the Government of Bahrain and in no way constitutes foreign intervention in the country. This presence is fully in line with regional agreements on the collective security of the GCC countries, and especially the mutual defence pact signed in December 2000. Moreover, the task of the said forces is exclusively confined to the protection of the borders, marine premises and vital infrastructure of the Kingdom of Bahrain.

As members of the Cooperation Council for the Arab States of the Gulf, we pride ourselves in our record of peaceful relations with all nations of the world. We regret to have to remind Iran of the principles of good-neighbourliness and respect for the sovereignty of other nations and to demand, once again, that it refrain from propagating false and unfounded information and interfering in their domestic affairs. Therefore, we would appreciate it if you would disregard the above-mentioned letter from Iran.

The member States of the Cooperation Council for the Arab States of the Gulf will continue working side by side with the international community to promote and protect peace and security in the region and around the world.

New York, 21 February 2012

(*Signed*) Jamal Fares **Alrowaiei**
Permanent Representative of the Kingdom of Bahrain
to the United Nations

(*Signed*) Mansour Ayyad **Alotaibi**
Permanent Representative of the State of Kuwait
to the United Nations

(*Signed*) Lyutha Sultan **Al-Mughairy**
Permanent Representative of the Sultanate of Oman
to the United Nations

(*Signed*) Abdulrahman **Al-Hamadi**
Chargé d'affaires a.i. of the State of Qatar
to the United Nations

(*Signed*) Abdallah Y. **Al-Mouallimi**
Permanent Representative of the Kingdom of Saudi Arabia
to the United Nations

(*Signed*) Abdulkhaleq Bin-Dhaaer **Al-Yafei**
Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates
to the United Nations

United Nations S/2012/109

Security Council

Distr.: General
24 February 2012
English
Original: Arabic

Identical letters dated 23 February 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council

I refer to the events that are taking place in Syria; the deliberate distortion by certain States of what is happening; and the encouragement, arms and finance which some of them are providing to the armed terrorist groups, and should like to clearly set out the health situation in the Syrian Arab Republic and some of the challenges that are being faced by the health sector.

In the belief that every citizen has the right to health, the Government of the Syrian Arab Republic has accorded the health sector special importance. It is convinced that appropriate health conditions must be provided if all citizens are to have access to health services, and continually strives to ensure that health services are equitably distributed, free of charge. Health-care services are provided by 124 public hospitals, 1,919 health centres and 387 private hospitals. In the past nine months alone, Ministry of Health institutions have provided more than 30 million health services. National hospitals have treated some 4.5 million patients, while health centres have provided more than 24 million health services that have benefited the health of citizens.

Notwithstanding the noble humanitarian purpose for which those health facilities were established and all the splendid humanitarian services the health sector provides, many foreign parties, with a view to achieving their own external political aims, insist on dragging that sector into matters to which it is in no way related and on using it as both a tool and a target in their war against Syria. The health sector has sustained heavy human and material losses as a result of the destructive operations that are being carried out by terrorist groups and organizations, which have included attacks on hospitals and health centres, the emergency services and their personnel, and doctors and nurses. For example, al-Naimi hospital in Homs governorate was attacked and its contents, including furniture and medical equipment, looted, with a view to denying citizens and, in particular, patients from Homs and Hama governorates, their right to the free health-care services that are provided by the State. A total of 15 doctors and medical staff were martyred, including the head of the Idlib branch of the Syrian Arab Red Crescent, and a further 27 emergency workers were injured while carrying out their humanitarian duties in the field, transporting injured persons to hospital, at the hands of armed terrorist groups that are engaging in gang warfare. Furthermore, doctors and emergency workers have been systematically abducted and emergency vehicles seized: 129 ambulances have been set on fire or destroyed, and certain

medical departments in 17 public hospitals have been burnt and destroyed. Some hospitals have been looted, including al-Qusair hospital in Homs governorate, which has had to be closed.

All of the above is accompanied by systematic, inflammatory foreign media campaigns against the health sector that are designed to mislead and distort. As an example, we may cite the story that was spread by certain of the misleading and defamatory media alleging that 20 premature babies in the neonatal department of al-Walid hospital in Homs died on 8 February 2012 as the result of a power cut. The aim is to incite citizens and turn foreign public opinion against the health sector, to misrepresent the immense humanitarian service it provides, and to turn it into an object of suspicion, thereby denying citizens access to its institutions, inciting public opinion against and damaging it. We implore you to affirm that such allegations are false. The foreign media have also ignored the facts that have been presented to them by the Ministry of Health and the fact that the Ministry has refuted this totally fabricated information.

Here, I should like to note that the unjust sanctions that have been imposed by Arab and European countries and the United States of America have led, to give only one example, to a shortage of medical material and supplies and of all therapeutic necessities that are imported from abroad, which has affected the quality and volume of the humanitarian services that can be provided to patients in hospitals and other health institutions, as well as impacting Ministry of Health plans for modernizing and developing the sector and improving the quality of the health services it provides.

I should like to underline here that, despite the heavy human and material losses that were mentioned above, which have been sustained as the result of armed terrorist organization attacks on doctors, emergency crews and health institutions, those who work in this sector continue, to the extent possible, to provide health services to all citizens without exception and regardless of their political affiliation. I stress that, despite those losses, the Syrian Arab Republic asserts its right to protect its citizens and ensure that their needs are met. It is committed to the comprehensive, genuine reform programme, notwithstanding all the foreign attempts to obstruct its implementation.

As we place these facts before you, we implore you to work with all the international humanitarian organizations to reverse the health situation and the challenges which are faced in that regard that we have referred to above, and to condemn and repudiate the unilateral measures and sanctions that have been imposed by certain States, and the criminal acts that are targeting the health sector, health institutions and medical staff. At the same time, the Syrian Government holds the foreign parties that are financing, inciting and arming the terrorist groups and providing them with various types of support in targeting the infrastructure, including public and private hospitals, health centres, the emergency services and medical personnel, responsible for the destruction to which those institutions are being subjected at the hands of the terrorists and the armed groups. The Syrian Arab Republic would welcome any technical assistance that the United Nations could offer to the Ministry of Health which would enable it to continue to provide health services to citizens who need them in the difficult circumstances and under the unjust siege to which, contrary to all international norms and laws, the health sector in Syria is being subjected.

It would be highly appreciated if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2012/110

Security Council

Distr.: General
24 February 2012
English
Original: French

Letter dated 24 February 2012 from the Secretary-General to the President of the Security Council

I have the honour to refer to Security Council resolution 2025 (2011) concerning Liberia, by which the Council decided to extend the mandate of the Panel of Experts appointed pursuant to paragraph 9 of resolution 1903 (2009) until 14 December 2012, and requested me to reappoint the Panel of Experts.

I wish to inform you that, following consultations with the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, I have appointed the following experts:

Mr. Christian Dietrich, United States of America (finance)

Mr. Caspar Fithen, United Kingdom of Great Britain and Northern Ireland (natural resources)

Ms. Katrine Kristensen, Denmark (arms)

I have also selected Mr. Dietrich to serve as Coordinator of the Group of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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United Nations A/ES-10/546–S/2012/111

General Assembly
Security Council

Distr.: General
24 February 2012

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 23 February 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In follow-up of my letter of 15 February 2012 (A/ES-10/545-S/2012/90), I must draw your attention to recent provocations by Israel, the occupying Power, declaring further construction of illegal settlements in the Occupied Palestinian Territory, including East Jerusalem. The illegal construction and expansion of Israeli settlements already under way and the approval of plans for even more massive construction constitute deliberate breaches by the occupying Power of its obligations under international law, particularly the Fourth Geneva Convention, and blatant defiance of the international community's demands for a complete cessation of all such illegal actions. Moreover, as is universally recognized, such illegal actions are paradoxical to, and gravely undermine, the two-State solution to this conflict.

Yesterday, 22 February 2012, Israel announced the approval of at least 600 more units in the illegal settlement of "Shilo", which is located deep in the Occupied West Bank, between the cities of Ramallah and Nablus. It was also revealed yesterday that the occupying Power has given approval to the attempts to retroactively "legalize" another 200 units in the illegal "Shvut Rachel" settlement, which is adjacent to the aforementioned settlement. With every inch of Palestinian land stolen by the occupying Power and every single stone laid for illegally settling Israel's civilian population in the Occupied Palestinian Territory, it becomes clearer and clearer that Israel is not interested in the kind of peace settlement endorsed by the international community as a just and lasting settlement, i.e., the two-State solution based on the pre-1967 borders, an historic compromise accepted decades ago by the Palestinian leadership. Moreover, such actions belie Israel's claims regarding its seriousness vis-à-vis the peace process, the very objectives, principles and spirit of which it totally contradicts with such illegal colonial practices.

These deplorable actions must be roundly condemned by the international community and more pressure must be exerted on Israel, the occupying Power, to

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cease these actions forthwith. Israel must be held accountable to its legal obligations as well as to its responsibilities and commitments under the Quartet road map, which oblige it to completely freeze its settlement activities and to dismantle all settlement "outposts". The occupying Power cannot continue to so flagrantly and wilfully violate these obligations without consequence, for this will only result in the further deterioration of the situation on the ground, the further confiscation of Palestinian land and impairment of the Territory's contiguity, and the further decline of the viability of the two-State solution for peace.

While reassured by the strong statements of condemnation against these most recent illegal Israeli actions and provocations, we believe that such statements must be accompanied by serious actions and measures to stem the precipitous rise in tensions and deterioration of the situation on the ground that these actions are causing. We thus renew our appeal to the international community, including the Security Council, to act consistent with international law and United Nations resolutions to bring a halt to this destructive Israeli settlement campaign in the Occupied Palestinian Territory, including East Jerusalem, and to demand that Israel, the occupying Power, respect international law and the global calls in this regard.

Regrettably, at the same time, with the support and acquiescence of the Government of Israel, extremist settlers continue their rampage throughout the Occupied Palestinian Territory, including East Jerusalem, provoking, inciting and inflaming religious sensitivities between the two sides. Provocations continue to be made against Al-Haram Al-Sharif (the Noble Sanctuary) and settlers continue to vandalize holy sites. The latest such incident involved a church in Jerusalem, the Baptist Narkis Street Congregation, on which such deplorable and hate-filled slogans such as "Death to Christianity" and profanity about Jesus Christ were sprayed on the walls of the church. This provocative incident follows the vandalism earlier this month, on 7 February, of the Monastery of the Cross, on which "Death to Christians" was sprayed, and follows several such attacks on mosques in the Occupied Palestinian Territory, including similar acts of defacement as well as arson. These actions must be condemned and must be seriously addressed, for the continuation of such provocations can only lead to further destabilization of the situation with far-reaching consequences.

I must also draw your attention to the unstable, deplorable situation that persists in the occupied Gaza Strip due to ongoing Israeli military attacks and the illegal blockade, which is nearing its fifth year. On Sunday, 19 February, the Israeli occupying forces launched more air strikes against Gaza, attacking the Zaitoun and Tuffah neighbourhoods in Gaza City, wounding a one-year-old boy, Muhammad Al-Zaharna, along with five other civilians, and causing destruction to Al-Zaharna's home and to an elementary school in the neighbourhood. Such air strikes are regularly carried out by the occupying Power with barely a word of condemnation by the international community, surely fuelling its impunity.

In addition to enduring such traumatizing attacks, the Palestinian people in Gaza continue to suffer the impact of the Israeli blockade, including continued shortages of essential materials, including medical, construction and humanitarian supplies. Fuel shortages in Gaza have especially affected the population in the recent period, impairing the functioning of households and businesses and vital public services, particularly hospitals, endangering the lives of patients. The fuel shortage has been compounded by the destruction of power plants by the occupying

Power, leaving the entire Palestinian civilian population in the area dependent on the only running power plant, which itself is in disrepair and under tremendous pressure to provide needed electricity.

Lastly, I must refer to the occupying Power's continued arrest and detention of Palestinian civilians in the recent period, with many being seized from their homes in the middle of the night by the occupying forces. This has included the re-arrest, on 16 February, of a Palestinian woman, Haneh Shalabi, who had been released in the prisoner exchange in October 2011. Moreover, while we express our profound relief that the plight of the Palestinian man, Khader Adnan — who, as conveyed in my letter of 15 February 2012, has been held by Israel in administrative detention without charge since 17 December 2011 and who had been on hunger strike for 66 days to protest his unlawful, arbitrary detention by Israel — has been addressed and that his hunger strike has ended, we believe that the honourable example of Mr. Adnan's non-violent, peaceful resistance in protest of the illegal practice of administrative detention by the occupying Power, which has been used against thousands of Palestinian civilians over the nearly 45 years of Israel's occupation, must arouse the international community's conscience and compel it to demand that Israel, the occupying Power, cease this and all other such illegal practices by which it continues to imprison, detain and severely abuse Palestinian civilians, including children.

This letter is in follow-up to our previous 417 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 15 February 2012 (A/ES-10/545-S/2012/90) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2012/112

Security Council

Distr.: General
27 February 2012
English
Original: French

Letter dated 23 February 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1966 (2010) adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals (the Mechanism) and, in particular, the appointment of the President and the Prosecutor of the Mechanism.

Article 11, paragraph 1, of the Statute of the Mechanism, found in annex 1 to resolution 1966 (2010), provides that "[a]fter consultation with the President of the Security Council and the judges of the Mechanism, the Secretary-General shall appoint a full-time President from among the judges of the Mechanism".

Further, article 14, paragraph 4, of the Statute provides that "[t]he Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations".

I also wish to draw your attention to article 7 of the Transitional Arrangements, annex 2 to resolution 1966 (2010), which states that "[n]otwithstanding the provisions of the Statutes of the Mechanism, the ICTY and the ICTR, (a) the President, Judges, Prosecutor and Registrar of the Mechanism may also hold the office of President, Judge, Prosecutor and Registrar, respectively, of the ICTY or ICTR;". I believe that it is important to make full use of double-hatting so that the Mechanism is cost-effective.

Accordingly, I intend to appoint Judge Theodor Meron of the United States as the President of the Mechanism. Judge Meron is presently the President of the International Tribunal for the Former Yugoslavia. I would be most grateful to receive your views on the proposed appointment, as required by article 11, paragraph 1, of the Statute of the Mechanism.

Security Council resolution 1966 (2010) and its annexes do not prescribe the length of the term of office of the President. Bearing in mind that the Mechanism shall operate for an initial period of four years, and that the Prosecutor and the Registrar are appointed for a four-year term, I intend to appoint the President for a term of four years.

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Further, pursuant to article 14, paragraph 4, of the Statute of the Mechanism, I hereby nominate Mr. Hassan Bubacar Jallow of the Gambia for appointment as Prosecutor of the Mechanism. Mr. Jallow is the current Prosecutor of the International Criminal Tribunal for Rwanda.

Judge Meron and Mr. Jallow are eminently qualified for the respective positions of President and Prosecutor. I believe that the Mechanism would benefit immensely from their considerable experience, outstanding leadership skills and profound commitment to international criminal justice.

The Arusha branch of the Mechanism shall commence functioning on 1 July 2012 as required by Security Council resolution 1966 (2010). I have already appointed Mr. John Hocking as the Registrar of the Mechanism pursuant to article 15, paragraph 3, of the Statute of the Mechanism. I would propose that the appointments of the President and the Prosecutor should be effective 1 March 2012 so that they may work together with the Registrar towards the efficient start of the operations of the Mechanism.

(*Signed*) **BAN** Ki-moon

United Nations S/2012/113

Security Council

Distr.: General
27 February 2012
English
Original: French

Letter dated 27 February 2012 addressed to the Secretary-General by the President of the Security Council

I have the honour to inform you that your letter dated 23 February 2012 (S/2012/112) in which you stated your intention to appoint Judge Theodor Meron (United States of America) as the President of the International Residual Mechanism for Criminal Tribunals (the Mechanism) and to nominate Mr. Hassan Bubacar Jallow of the Gambia for appointment as Prosecutor of the Mechanism has been brought to the attention of the members of the Security Council, who have taken note of it.

(*Signed*) Kodjo **Menan**
President of the Security Council

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United Nations S/2012/113*

Security Council

Distr.: General
27 February 2012
English
Original: French

Letter dated 27 February 2012 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 23 February 2012 (S/2012/112) in which you stated your intention to appoint Judge Theodor Meron (United States of America) as the President of the International Residual Mechanism for Criminal Tribunals (the Mechanism) and to nominate Mr. Hassan Bubacar Jallow of the Gambia for appointment as Prosecutor of the Mechanism has been brought to the attention of the members of the Security Council, who have taken note of it.

(*Signed*) Kodjo **Menan**
President of the Security Council

* Reissued for technical reasons on 28 February 2012.

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United Nations S/2012/114

Security Council

Distr. General
27 February 2012

Original: English

Note by the President of Security Council

At its 6335th meeting, held on 9 June 2010 in connection with the item entitled "Non-proliferation", the Security Council adopted resolution 1929 (2010).

In paragraph 4 of the resolution, the Security Council requested the Director General of the International Atomic Energy Agency to communicate to the Security Council all his reports on the application of safeguards in the Islamic Republic of Iran.

Accordingly, the President herewith circulates the report of the Director General dated 24 February 2012 (see annex).

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Annex

Letter dated 24 February 2012 from the Director General of the International Atomic Energy Agency addressed to the President of the Security Council

I enclose herewith the report requested by the Security Council in its resolution 1929 (2010), which I have submitted today to the Board of Governors of the International Atomic Energy Agency (see enclosure).

I should be grateful if you would bring this letter and the enclosed report to the attention of all members of the Security Council.

(*Signed*) Yukiya **Amano**

Enclosure*

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

Report by the Director General

A. Introduction

1. This report of the Director General to the Board of Governors and, in parallel, to the Security Council, is on the implementation of the NPT Safeguards Agreement[1] and relevant provisions of Security Council resolutions in the Islamic Republic of Iran (Iran).

2. The Security Council has affirmed that the steps required by the Board of Governors in its resolutions[2] are binding on Iran.[3] The relevant provisions of the aforementioned Security Council resolutions were adopted under Chapter VII of the United Nations Charter, and are mandatory, in accordance with the terms of those resolutions.[4]

3. By virtue of its Relationship Agreement with the United Nations,[5] the Agency is required to cooperate with the Security Council in the exercise of the Council's responsibility for the maintenance or restoration of international peace and security. All Members of the United Nations agree to accept and carry out the decisions of the Security Council,[6] and in this respect, to take actions which are consistent with their obligations under the United Nations Charter.

* Circulated to the Board of Governors of the International Atomic Energy Agency under the symbol GOV/2012/9.

[1] The Agreement between Iran and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/214), which entered into force on 15 May 1974.

[2] The Board of Governors has adopted eleven resolutions in connection with the implementation of safeguards in Iran: GOV/2003/69 (12 September 2003); GOV/2003/81 (26 November 2003); GOV/2004/21 (13 March 2004); GOV/2004/49 (18 June 2004); GOV/2004/79 (18 September 2004); GOV/2004/90 (29 November 2004); GOV/2005/64 (11 August 2005); GOV/2005/77 (24 September 2005); GOV/2006/14 (4 February 2006); GOV/2009/82 (27 November 2009); and GOV/2011/69 (18 November 2011).

[3] In resolution 1929 (2010), the Security Council: affirmed, inter alia, that Iran shall, without further delay, take the steps required by the Board in GOV/2006/14 and GOV/2009/82; reaffirmed Iran's obligation to cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme; decided that Iran shall, without delay, comply fully and without qualification with its Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangements; and called upon Iran to act strictly in accordance with the provisions of its Additional Protocol and to ratify it promptly (operative paras. 1-6).

[4] The United Nations Security Council has adopted the following resolutions on Iran: 1696 (2006); 1737 (2006); 1747 (2007); 1803 (2008); 1835 (2008); and 1929 (2010).

[5] The Agreement Governing the Relationship between the United Nations and the IAEA entered into force on 14 November 1957, following approval by the General Conference, upon recommendation of the Board of Governors, and approval by the General Assembly of the United Nations. It is reproduced in INFCIRC/11 (30 October 1959), Part I.A.

[6] The Charter of the United Nations, Article 25.

4. This report addresses developments since the last report (GOV/2011/65, 8 November 2011), as well as issues of longer standing. It focuses on those areas where Iran has not fully implemented its binding obligations, as the full implementation of these obligations is needed to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.

B. Clarification of Unresolved Issues

5. On 18 November 2011, the Board of Governors adopted resolution GOV/2011/69 in which, inter alia, it stressed that it was essential for Iran and the Agency to intensify their dialogue aimed at the urgent resolution of all outstanding substantive issues for the purpose of providing clarifications regarding those issues, including access to all relevant information, documentation, sites, material, and personnel in Iran. The Board also called on Iran to engage seriously and without preconditions in talks aimed at restoring international confidence in the exclusively peaceful nature of Iran's nuclear programme. In light of this, and following an exchange of letters between the Agency and Iran, it was agreed that an Agency team would visit Iran for talks.

6. From 29 to 31 January 2012, an Agency team held a first round of talks in Tehran with Iranian officials aimed at resolving all outstanding issues. During the talks:

- The Agency explained its concerns and identified the clarification of possible military dimensions to Iran's nuclear programme as the top priority.
- The Agency requested access to the Parchin site, but Iran did not grant access to the site at that time.
- The Agency and Iran had an initial discussion on the approach to clarifying all outstanding issues in connection with Iran's nuclear programme, including issues to be addressed, initial actions and modalities.[7]
- A draft discussion paper on a structured approach to the clarification of all outstanding issues in connection with Iran's nuclear programme was prepared for further consideration.

7. Following that first meeting, exchanges between Iran and the Agency resulted in further elaboration of the structured approach.

8. During the second round of talks in Tehran, which took place from 20 to 21 February 2012:

- The Agency reiterated its request for access to Parchin. Iran stated that it was still not able to grant access to that site.
- An intensive discussion was held on the structured approach to the clarification of all outstanding issues related to Iran's nuclear programme. No agreement was reached between Iran and the Agency, as major differences existed with respect to the approach.

[7] These modalities related, inter alia, to Iran's security concerns, ensuring confidentiality and ensuring that Iran's cooperation included provision of access for the Agency to all relevant information, documentation, sites, material and personnel in Iran.

- In response to the Agency's request, Iran provided the Agency with an initial declaration in connection with the issues identified in Section C of the Annex to the Director General's November 2011 report to the Board of Governors (GOV/2011/65). Iran's declaration dismissed the Agency's concerns in relation to the aforementioned issues, largely on the grounds that Iran considered them to be based on unfounded allegations.
- The Agency gave a presentation to Iran on the Agency's initial questions on Parchin and the foreign expert,[8] and provided clarification of the nature of the Agency's concerns and the information available to it, in this regard.

C. Facilities Declared under Iran's Safeguards Agreement

9. Under its Safeguards Agreement, Iran has declared to the Agency 15 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs).[9] Notwithstanding that certain of the activities being undertaken by Iran at some of the facilities are contrary to the relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to implement safeguards at these facilities and LOFs.

D. Enrichment Related Activities

10. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, all of which are nevertheless under Agency safeguards.

D.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

11. **Fuel Enrichment Plant (FEP)**: There are two cascade halls at FEP: Production Hall A and Production Hall B. According to design information submitted by Iran, eight units are planned for Production Hall A, with 18 cascades in each unit. No detailed design information has yet been provided for Production Hall B.

12. As of 19 February 2012, 54 cascades were installed in three of the eight units in Production Hall A, 52 of which were declared by Iran as being fed with UF_6.[10] Whereas initially each installed cascade comprised 164 centrifuges, Iran subsequently modified 30 of the cascades to contain 174 centrifuges each. All the centrifuges installed are IR-1 machines. As of 19 February 2012, no centrifuges had been installed in the remaining five units, although preparatory installation work had been completed in two of the units, including the placement in position of 6,177 empty IR-1 centrifuge casings, and was ongoing in the other three units. As of 19 February 2012, there had been no installation work in Production Hall B.

[8] As referred to in Section C of the Annex to GOV/2011/65.

[9] All of the LOFs are situated within hospitals.

[10] The 54 installed cascades contained 9,156 centrifuges; the 52 cascades declared by Iran as being fed with UF_6 on that date contained 8,808 centrifuges. Not all of the centrifuges in the cascades that were being fed with UF_6 may have been working.

13. The results of a physical inventory verification (PIV) carried out by the Agency at FEP confirmed the inventory on 16 October 2011 as declared by Iran, within measurement uncertainties normally associated with such a facility. Therefore, there were no consequences for safeguards arising from the seal breakage in the feed and withdrawal area reported by the operator in April 2011.[11]

14. The Agency has confirmed that, as of 16 October 2011, 55,683 kg of natural UF_6 had been fed into the cascades since the start of operations in February 2007, and a total of 4,871 kg of UF_6 enriched up to 5% U-235 had been produced. Iran has estimated that, between 17 October 2011 and 4 February 2012, it produced 580 kg of UF_6 enriched up to 5% U-235, which would result in a total production of 5,451 kg of UF_6 enriched up to 5% U-235 since production began in February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.[12]

15. Based on the results of the analysis of environmental samples taken at FEP since February 2007[13] and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant Design Information Questionnaire (DIQ).

16. **Pilot Fuel Enrichment Plant (PFEP)**: PFEP is a research and development (R&D) facility, and a pilot low enriched uranium (LEU) production facility, which was first brought into operation in October 2003. It has a cascade hall that can accommodate six cascades, and is divided between an area designated for the production of LEU enriched up to 20% U-235 (Cascades 1 and 6) and an area designated for R&D (Cascades 2, 3, 4 and 5).

17. The results of a PIV carried out by the Agency at PFEP confirmed the inventory on 13 September 2011 as declared by Iran, within measurement uncertainties normally associated with such a facility. The results also show an improvement in the operator's measurement system, in particular in relation to the determination of the level of U-235 enrichment.[14]

18. ***Production area***: Iran first began feeding low enriched UF_6 into Cascade 1 on 9 February 2010, for the stated purpose of producing UF_6 enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Research Reactor (TRR).[15,16] Since 13 July 2010, Iran has been feeding low enriched UF_6 into two interconnected cascades (Cascades 1 and 6), each of which consists of 164 IR-1 centrifuges.[17]

19. As previously reported,[18] the Agency has verified that, as of 13 September 2011, 720.8 kg of low enriched UF_6 had been fed into the cascades in the production area since the process began on 9 February 2010, and that a total of 73.7 kg of UF_6

[11] GOV/2011/29, para. 10.

[12] In line with normal safeguards practice, small amounts of nuclear material at the facility (e.g., some waste and samples) are not subject to containment and surveillance.

[13] Results are available to the Agency for samples taken up to 14 August 2011.

[14] GOV/2011/29, para. 14; GOV/2011/54, para. 15; GOV/2011/65, para. 16.

[15] GOV/2010/28, para. 9.

[16] TRR is a 5 MW reactor which operates with 20% U-235 enriched fuel and is used for the irradiation of different types of targets and for research and training purposes.

[17] GOV/2010/28, para. 9.

[18] GOV/2011/65, para. 15.

enriched up to 20% U-235 had been produced. Iran has estimated that, between 14 September 2011 and 11 February 2012, a total of 164.9 kg of UF_6 enriched at FEP was fed into the two interconnected cascades at PFEP and that approximately 21.7 kg of UF_6 enriched up to 20% U-235 were produced. This would result in a total production of 95.4 kg of UF_6 enriched up to 20% U-235 at PFEP since production began in February 2010.

20. ***R&D area***: In the area designated for Cascades 2 and 3, Iran has been intermittently feeding natural UF_6 into single machines, 10-machine cascades and 20-machine cascades of IR-1, IR-2m and IR-4 centrifuges. In a letter dated 1 February 2012, Iran informed the Agency of its intention to install three new types of centrifuge — IR-5, IR-6 and IR-6s — as single machines in Cascade 2. As of 21 February 2012, Iran had installed 58 IR-4 centrifuges in Cascade 4, which has not been fed with UF_6. Iran had also installed 164 IR-2m centrifuges in Cascade 5.[19] Between 9 and 12 August 2011[20] and from 5 November 2011 onwards,[21] Iran has been intermittently feeding natural UF_6 into Cascade 5.

21. Between 29 October 2011 and 11 February 2012, a total of approximately 164.4 kg of natural UF_6 was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails are recombined at the end of the process.

22. Based on the results of the analysis of the environmental samples taken at PFEP[22] and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant DIQ.

D.2. Fordow Fuel Enrichment Plant

23. In September 2009, Iran informed the Agency that it was constructing the Fordow Fuel Enrichment Plant (FFEP), located near the city of Qom.

24. To date, Iran has provided the Agency with an initial DIQ and three revised DIQs:

- In October 2009, Iran stated that the purpose of the facility was the production of UF_6 enriched up to 5% U-235, and that the facility was being built to contain 16 cascades, equally divided between two units (Unit 1 and Unit 2), with a total of approximately 3,000 centrifuges.[23]
- In September 2010, Iran stated that the purpose of FFEP was to carry out R&D in addition to the production of UF_6 enriched up to 5% U-235.
- In June 2011, Iran stated that the purpose of FFEP was the production of UF_6 enriched up to 20% U-235, as well as to carry out R&D.
- On 18 January 2012, Iran informed the Agency that the "R&D installation" was being removed from FFEP. In its updated DIQ of the same date, Iran declared that FFEP was designed to facilitate the production of UF_6 enriched

[19] Iran had previously indicated its intention to install two 164-centrifuge cascades (Cascades 4 and 5) in the R&D area (GOV/2011/7, para. 17).

[20] At which time Cascade 5 contained 54 IR-2m centrifuges.

[21] At which time Cascade 5 contained 164 IR-2m centrifuges.

[22] Results are available to the Agency for samples taken up to 3 August 2011.

[23] GOV/2009/74, para. 9.

up to 20% U-235 and the production of UF_6 enriched up to 5% U-235 in "both production units". The DIQ indicated that provision had also been made to enable the operator to "use some of the cascades for production of 5% LEU while some of them are producing 20% LEU".

25. On 14 December 2011, Iran began feeding UF_6 enriched up to 5% U-235 that it had previously transferred from FEP into one set of two interconnected cascades in Unit 2 at FFEP, containing 348 centrifuges.[24,25] Since the Director General's previous report, Iran has installed 348 centrifuges in a second set of two interconnected cascades in Unit 2 and, on 25 January 2012, began feeding it with UF_6 enriched up to 5% U-235. To date, all the centrifuges installed are IR-1 machines. Iran has estimated that, between 14 December 2011 and 17 February 2012, a total of 99.3 kg of UF_6 enriched up to 5% U-235 was fed into the two sets of interconnected cascades at FFEP and that approximately 13.8 kg of UF_6 enriched up to 20% U-235 were produced.

26. As of 15 February 2012, in the four remaining cascades of Unit 2 and in the eight cascades of Unit 1, 2,088 empty IR-1 centrifuge casings had been placed in position and all of the piping had been installed. In a letter dated 16 February 2012, the Agency requested Iran to provide details on how it intends to operate FFEP (whether to produce UF_6 enriched up to 5% U-235, to produce UF_6 enriched up to 20% U-235, or to produce a combination of both).

27. The Agency has verified that FFEP is being constructed according to the latest DIQ provided by Iran. As previously reported, Iran provided some information in 2011 regarding the initial timing of, and circumstances relating to, its decision to build FFEP at an existing defence establishment.[26] Nevertheless, additional information from Iran is still needed in connection with this facility, particularly in relation to its original purpose, given the number of subsequent revisions to the DIQ for FFEP.[27]

D.3. Other Enrichment Related Activities

28. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided.[28] Iran has not provided information, as requested by the Agency in its letter of 18 August 2010, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology.[29] As a result of Iran's lack of cooperation on those issues, the Agency is unable to verify and report fully on these matters.

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[24] GOV/2011/54, para. 23.

[25] In June 2011, Iran was reported to have announced a decision to "triple its (production) capacity", after which Iran would stop the "20% fuel production" at Natanz (Dr. Fereydoun Abbasi, "Iran to Triple Production of 20%-Enriched Uranium", Fars News Agency, 8 June 2011).

[26] GOV/2011/54, para. 26.

[27] GOV/2009/74, para. 14.

[28] "Iran Specifies Location for 10 New Enrichment Sites", Fars News Agency, 16 August 2010.

[29] Cited on the website of the Presidency of the Islamic Republic of Iran, 7 February 2010, at http://www.president.ir/en/?ArtID=20255.

E. Reprocessing Activities

29. Pursuant to the relevant resolutions of the Board of Governors and the Security Council, Iran is obliged to suspend its reprocessing activities, including R&D.[30] In a letter to the Agency dated 15 February 2008, Iran stated that it "does not have reprocessing activities". In that context, the Agency has continued to monitor the use of hot cells at TRR and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility.[31] The Agency carried out an inspection and design information verification (DIV) at TRR on 12 February 2012, and a DIV at the MIX Facility on 13 February 2012. It is only with respect to TRR, the MIX Facility and the other facilities to which the Agency has access that the Agency can confirm that there are no ongoing reprocessing related activities in Iran.

F. Heavy Water Related Projects

30. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the Iran Nuclear Research Reactor (IR-40 Reactor), which is under Agency safeguards.[32]

31. On 14 February 2012, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that construction of the facility was ongoing and that one heavy water concentration column had been installed. According to Iran, the operation of the IR-40 Reactor is planned to commence in 2014.[33] In a letter dated 27 January 2012, the Agency, having not received any update of the DIQ for the IR-40 Reactor since January 2007, requested Iran to provide an updated DIQ.

32. Since its visit to the Heavy Water Production Plant (HWPP) on 17 August 2011, the Agency, in letters to Iran dated 20 October 2011 and 27 January 2012, requested further access to HWPP. The Agency has yet to receive a reply to those letters, and is again relying on satellite imagery to monitor the status of HWPP. Based on recent images, the HWPP appears to be in operation. To date, Iran has not provided the Agency with access to the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples.[34]

G. Uranium Conversion and Fuel Fabrication

33. Although it is obliged to suspend all enrichment related activities and heavy water related projects, Iran is conducting a number of activities at UCF and the Fuel Manufacturing Plant (FMP) at Esfahan which, as described below, are in

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[30] S/RES/1696 (2006), para. 2; S/RES/1737 (2006), para. 2; S/RES/1747 (2007), para. 1; S/RES/1803 (2008), para. 1; S/RES/1835 (2008), para. 4; S/RES/1929 (2010), para. 2.

[31] The MIX Facility is a hot cell complex for the separation of radiopharmaceutical isotopes from targets, including uranium, irradiated at TRR. The MIX Facility is not currently processing any uranium targets.

[32] S/RES/1737 (2006), para. 2; S/RES/1747 (2007), para. 1; S/RES/1803 (2008), para. 1; S/RES/1835 (2008), para. 4; S/RES/1929 (2010), para. 2.

[33] "Iran says Arak reactor to be launched in 2 years", Iranian Students News Agency, 18 February 2012.

[34] GOV/2010/10, paras. 20 and 21.

contravention of those obligations, although both facilities are under Agency safeguards.

34. **Uranium Conversion Facility**: On 17 December 2011, Iran started converting UF_6 enriched up to 20% U-235 into U_3O_8. As of 19 February 2012, the Agency had verified that 8 kg of uranium in the form of U_3O_8 had been produced and that 7.3 kg of uranium in the form of U_3O_8 had been subsequently transferred to FMP.

35. As previously reported, Iran started converting UF_6 enriched up to 3.34% U-235 into UO_2.[35] As of 19 February 2012, the Agency verified that Iran had produced 24 kg of uranium in the form of UO_2 and that 13.6 kg of uranium in the form of UO_2 had been subsequently transferred to FMP.

36. On 19 February 2012, the Agency verified that Iran had produced about 896.5 kg of natural uranium in the form of UO_2. The Agency has verified that Iran has transferred 144.3 kg of uranium in the form of UO_2 to FMP.

37. **Fuel Manufacturing Plant**: Since the Director General's previous report, Iran has worked towards the production of two types of fuel assembly at FMP for use in TRR (see paragraph 48 below):

- *Assemblies made of fuel plates containing U_3O_8*: On 14 November and 19 November 2011, the Agency verified two fuel plates containing natural U_3O_8 that had been produced at the R&D laboratory at FMP;[36] on 3 January 2012, the Agency verified a fuel plate containing U_3O_8 enriched up to 20% U-235; and on 1 February 2012, the Agency verified a fuel assembly consisting of 14 fuel plates containing U_3O_8 enriched up to 20% U-235.
- *Assemblies made of 12 fuel rods containing UO_2 enriched up to 3.34% U-235*: The Agency verified one fuel assembly on 26 November 2011 and another one on 22 December 2011.

All of the aforementioned fuel plates and fuel assemblies were subsequently transferred by Iran to TRR for irradiation testing.

38. In a letter dated 8 February 2012, Iran informed the Agency of its intention to "start pellet, fuel rod and fuel assembly production" on 12 February 2012 using natural UO_2, in order to produce fuel for the IR-40 Reactor. During a DIV carried out on 18 February 2012, the Agency observed that the fabrication of pellets for the IR-40 Reactor had started.

39. In a letter to Iran dated 6 January 2012, the Agency pointed out that an appropriate safeguards approach relating to the U_3O_8 fuel manufacturing line was not yet in place at FMP. However, notwithstanding the absence of the safeguards approach, it proved possible on this occasion, as confirmed during an inspection carried out at FMP on 18-19 February 2012, for the Agency to account for all of the nuclear material in the U_3O_8 fuel manufacturing line. The Agency is now discussing with Iran a new safeguards approach for FMP.

[35] GOV/2011/65, para. 34.
[36] GOV/2011/65, para. 37.

H. Possible Military Dimensions

40. Previous reports by the Director General have identified outstanding issues related to possible military dimensions to Iran's nuclear programme and actions required of Iran to resolve these.[37] Since 2002, the Agency has become increasingly concerned about the possible existence in Iran of undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile, about which the Agency has regularly received new information.

41. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. This information, which comes from a wide variety of independent sources, including from a number of Member States, from the Agency's own efforts and from information provided by Iran itself, is assessed by the Agency to be, overall, credible. The information indicates that: prior to the end of 2003 the activities took place under a structured programme; that some continued after 2003; and that some may still be ongoing.

42. In resolution 1929 (2010), the Security Council reaffirmed Iran's obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, and to cooperate fully with the Agency on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions to Iran's nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency.[38] In its resolution GOV/2011/69 of 18 November 2011, the Board of Governors, inter alia, expressed its deep and increasing concern about the unresolved issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions.

I. Design Information

43. The modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement provides for the submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken, whichever is the earlier. The modified Code 3.1 also provides for the submission of fuller design information as the design is developed early in the project definition, preliminary design, construction and commissioning phases. Iran remains the only State with significant nuclear activities and in which the Agency is implementing a comprehensive safeguards agreement,

[37] GOV/2011/29, para. 35; GOV/2011/7, Attachment; GOV/2010/10, paras. 40-45; GOV/2009/55, paras. 18-25; GOV/2008/38, paras. 14-21; GOV/2008/15, paras. 14-25 and Annex; GOV/2008/4, paras. 35-42; GOV/2011/65, paras. 38-45 and Annex.

[38] S/RES/1929, paras. 2 and 3.

which is not implementing the provisions of the modified Code 3.1.[39] The Agency is still awaiting receipt from Iran of updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.[40]

44. As reported previously, Iran's response to Agency requests for Iran to confirm or provide further information regarding its statements concerning its intention to construct new nuclear facilities is that it would provide the Agency with the required information in "due time" rather than as required by the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement.[41]

J. Additional Protocol

45. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing its Additional Protocol. The Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran unless and until Iran provides the necessary cooperation with the Agency, including by implementing its Additional Protocol.[42]

K. Other Matters

46. As previously reported, in August 2011 the Agency carried out a PIV at the Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) to verify, inter alia, nuclear material, in the form of natural uranium metal and process waste, related to conversion experiments carried out by Iran between 1995 and 2002.[43,44] The Agency's measurement of this material was 19.8 kg less than the operator's declaration of 270.7 kg. In a letter dated 2 November 2011, Iran provided additional information in relation to this discrepancy. In a letter dated 16 December 2011, the Agency informed Iran that, taking into account this additional information, the discrepancy remained, and that, therefore, further information was required of Iran. During discussions with Iran on 13 and 14 February 2012, the Agency requested access to records and personnel involved in the uranium metal conversion experiments. Iran indicated that it no longer possessed the relevant documentation

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[39] In accordance with Article 39 of Iran's Safeguards Agreement, agreed Subsidiary Arrangements cannot be changed unilaterally; nor is there a mechanism in the Safeguards Agreement for the suspension of provisions agreed to in the Subsidiary Arrangements. Therefore, as previously explained in the Director General's reports (see e.g. GOV/2007/22, 23 May 2007), the modified Code 3.1, as agreed to by Iran in 2003, remains in force. Iran is further bound by operative paragraph 5 of Security Council resolution 1929 (2010) to "comply fully and without qualification with its IAEA Safeguards Agreement, including through the application of modified Code 3.1".

[40] GOV/2010/46, para. 32.

[41] See para. 28 of this report and GOV/2011/29, para. 37.

[42] Iran's Additional Protocol was approved by the Board on 21 November 2003 and signed by Iran on 18 December 2003, although it has not been brought into force. Iran provisionally implemented its Additional Protocol between December 2003 and February 2006.

[43] This material had been under Agency seal since 2003.

[44] GOV/2003/75, paras. 20-25 and Annex 1; GOV/2004/34, para. 32, and Annex, paras. 10-12; GOV/2004/60, para. 33, Annex, paras 1-7; GOV/2011/65, para. 49.

and that the personnel involved were no longer available. Iran also indicated that the discrepancy may have been caused by there being a higher amount of uranium in the waste than had been measured by the Agency. In light of this, Iran has offered to process all of the waste material and to extract the uranium contained therein. The Agency has begun taking additional destructive analysis samples of material involved. The discrepancy remains to be clarified.

47. As previously reported, in a letter dated 19 June 2011, Iran informed the Agency of its intention to "transfer some of spent fuel assemblies (HEU [high enriched uranium] Control Fuel Element (CFE) and Standard Fuel Element (SFE)) from spent fuel pool (KMPE) to reactor core (KMPB) in order to conduct a research project". As of 12 February 2012, this activity had yet to begin.

48. Since the Director General's previous report, Iran has continued the irradiation at TRR of fuel rods and plates manufactured at FMP (referred to in paragraphs 37-39 above), including the irradiation of: one natural UO_2 fuel rod;[45] one of the fuel assemblies containing 12 rods of UO_2 enriched to 3.34% U-235 (subsequently used to replace one of the control assemblies in the reactor core of TRR); one of the natural uranium fuel plates containing U_3O_8; and one fuel plate enriched to less than 20% U-235. On 22 February 2012, the Agency verified that the fuel assembly consisting of 14 fuel plates containing U_3O_8 enriched up to 20% U-235 was in the spent fuel bay of TRR.

49. On 10 January 2012, the Agency carried out an inspection at the Bushehr Nuclear Power Plant (BNPP), during which the Agency noted that the reactor was shut down. In a letter dated 6 February 2012, Iran provided the Agency with the commissioning schedule for BNPP, which indicated that commissioning activity had commenced on 31 January 2012.

L. Summary

50. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.[46]

51. The Agency continues to have serious concerns regarding possible military dimensions to Iran's nuclear programme, as explained in GOV/2011/65. Iran did not provide access to Parchin, as requested by the Agency during its two recent visits to Tehran, and no agreement was reached with Iran on a structured approach to resolving all outstanding issues in connection with Iran's nuclear programme.

[45] GOV/2011/54, para. 40.

[46] The Board has confirmed on numerous occasions, since as early as 1992, that paragraph 2 of INFCIRC/153 (Corr.), which corresponds to Article 2 of Iran's Safeguards Agreement, authorizes and requires the Agency to seek to verify both the non-diversion of nuclear material from declared activities (i.e., correctness) and the absence of undeclared nuclear activities in the State (i.e., completeness) (see, for example, GOV/OR.864, para. 49).

52. Since the Director General's November 2011 report (GOV/2011/65), contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran continues to carry out uranium enrichment activities and has: increased the number of cascades being used to produce UF_6 enriched to 5% U-235; increased the number of cascades being used to produce UF_6 enriched to 20% U-235; and is preparing additional cascades at Fordow (FEEP) and Natanz (FEP). Iran has also announced its intention to install three new types of centrifuge at Natanz (PFEP) for R&D purposes.

53. The Director General urges Iran, as required in the binding resolutions of the Board of Governors and mandatory Security Council resolutions, to take steps towards the full implementation of its Safeguards Agreement and its other obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; and suspension of heavy water related activities.

54. The Director General calls upon Iran to cooperate fully with the Agency. The Director General urges Iran to work with the Agency to reach agreement on a structured approach, based on Agency verification practices, to resolve all outstanding issues. In particular, the Director General urges Iran to address the Agency's serious concerns about possible military dimensions to Iran's nuclear programme, including, as a first step, by responding to the Agency's questions related to Parchin and the foreign expert, and by granting early access in that regard.

55. The Director General will continue to report as appropriate.

United Nations S/2012/115

Security Council

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29 February 2012

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Guatemala: draft resolution

The Security Council,

Recalling its resolution 1966 (2010) adopted on 22 December 2010,

Having regard to Article 14, paragraph 4, of the Statute of the International Residual Mechanism for Criminal Tribunals (the Mechanism), annexed to resolution 1966 (2010),

Having considered the nomination by the Secretary-General to appoint Mr. Hassan Bubacar Jallow as Prosecutor of the Mechanism (S/2012/112),

Noting that, according to article 7, paragraph (a) of the Transitional Arrangements annexed to resolution 1966 (2010), the Prosecutor of the Mechanism may also hold the office of Prosecutor of the International Criminal Tribunal for Rwanda (ICTR),

Recalling that pursuant to resolution 1966 (2010) the Mechanism's branch for the ICTR shall commence functioning on 1 July 2012,

Decides to appoint Mr. Hassan Bubacar Jallow as Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 March 2012 for a term of four years.

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United Nations A/ES-10/547–S/2012/116

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Security Council

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27 February 2012

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-seventh year

Identical letters dated 24 February 2012 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I must draw your urgent attention to the dangerously rising tensions in Occupied East Jerusalem. The illegal policies and the constant provocations and incitement by Israel, the occupying Power, and its extremist settlers against the Palestinian people, their land and their holy places continue to exacerbate tensions and religious sensitivities between the two sides, risking further destabilization of an already fragile situation on the ground.

In this regard, I must inform you of the extremely worrying developments today, 24 February, at Al-Haram Al-Sharif (the Noble Sanctuary) in Occupied East Jerusalem, in which Israeli occupying forces stormed the holy compound and used excessive force against worshippers. The incidents took place after the Friday noon prayers at Al-Haram Al-Sharif, which houses Al-Aqsa Mosque and Qubbat Al-Sakhra (the Dome of the Rock), when hundreds of Palestinian worshippers began a demonstration in protest of the recent threats and declared attempts by Jewish extremists to enter the holy compound. According to reports, the Israeli occupying forces unleashed tear gas, stun grenades, sound bombs and rubber bullets against the demonstrators, causing fear and panic to spread among them. Medics with the Red Crescent Society have reported that around 30 Palestinians were injured. In addition, at least 13 Palestinians are said to have been detained by the occupying forces.

The international community must pay heed to the escalation of tensions and confrontations in and around Al-Haram Al-Sharif, since the potential for a refuelling of the cycle of violence as a result of such provocations is very real. As noted in recent prior letters, the holy compound and other Muslim and Christian holy sites throughout Occupied East Jerusalem and the rest of the Occupied Palestinian Territory continue to be subjected to threats, incitement and desecration by extremist Israeli settlers as well as constant provocations by right-wing Israeli officials, and this has led to escalating concerns among the Palestinian people and

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their leadership about the potential for further crisis in this most sensitive area. Recent threats against Al-Haram Al-Sharif have included postings on an extremist Jewish website threatening a mass incursion into the holy compound to "exercise Jewish sovereignty" over the area. Such incitement has been coupled by calls by right-wing Israeli leaders for Jews to come to the compound to assert their claims over it, with flyers recently distributed imploring them to "purify the site from the enemies of Israel" as well as advocating for the destruction of any Muslim buildings there.

We believe that all such acts of incitement and desecration against holy sites in the Occupied Palestinian Territory, including East Jerusalem, as well as acts of the ongoing, deliberate provocations against the Palestinian people by the occupying Power, whether it be by the Government of Israel, its occupying forces or its illegal settlers, warrant serious and immediate attention by the international community, including by the Security Council, in line with its primary duty under the Charter to maintain international peace and security. We call on the international community to act with urgency and responsibility to ensure the de-escalation of this perilous situation in Occupied East Jerusalem and to bring a halt to the occupying Power's violations of international law, including humanitarian and human rights law, which are gravely impacting the Palestinian people in innumerable ways and which are seriously jeopardizing the prospects for realizing a peaceful and just settlement on the basis of international law and relevant United Nations resolutions and in accordance with the two-State solution based on the pre-1967 borders.

Before concluding, I regret to also inform you of the killing today of a young Palestinian man, Tal'at Ramia, age 25, by Israel, the occupying Power. Ramia was wounded by Israeli gunfire, which hit him in the chest, during a protest that was held near the Qalandia checkpoint erected by Israel between Al-Ram and Ramallah. He later died in emergency surgery, and five other Palestinians were also wounded by the occupying forces, which fired tear gas as well as live and rubber bullets at the protesters. Today also witnessed more violence by the occupying Power against Palestinian civilians in Al-Khalil who had been peacefully demonstrating at a commemoration of the anniversary of a 1994 attack by an extremist Israeli settler against Al-Haram Al-Ibrahimi (The Ibrahimi Mosque) in Al-Khalil, in which 29 Palestinians were brutally murdered while at prayer. The Israeli occupying forces fired tear gas and sound bombs, injuring dozens of civilians, 70 of whom suffered from the inhalation of foul-smelling chemicals that were also sprayed at the protesters. At least six Palestinians were also detained by the occupying forces. Israel, the occupying Power, must be held responsible for the death and injury of these Palestinians caused by its deliberate use of violence and brutality against the Palestinian civilian population under its military occupation and its blatant disregard for human rights and international humanitarian law requiring the protection of civilians in situations of armed conflict.

This letter is in follow-up to our previous 418 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 23 February 2012 (A/ES-10/546-S/2012/111) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian

people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/66/708–S/2012/117

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Security Council

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Sixty-sixth session
Agenda items 35 and 39

Security Council
Sixty-seventh year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 24 February 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I regret to note that the representative of Azerbaijan has once again taken up an initiative of circulating misleading and deceptive information related to the tragic events of 1992 in the settlement of Khojaly. This delegation has on numerous occasions reacted with anti-Armenian propaganda and falsifications on behalf of Azerbaijani authorities relating to those events.

It would be most relevant to recall the appeal of the international community, not least the European Court of Human Rights and numerous human rights organizations, to release the Azerbaijani journalists and human rights activists who had questioned the version of the Government of Azerbaijan on the Khojaly events.

Armenia reiterates its position, according to which progress in the negotiations for the peaceful settlement of the Nagorno Karabakh issue depends, inter alia, on the establishment of tolerance and restraint from hate propaganda. The Azeri initiative does not bode well for such objectives.

I request that the present letter and the attached statement of the Foreign Ministry of the Nagorno Karabakh Republic (see annex), in response to the letter of the representative of Azerbaijan, be circulated as an official document of the General Assembly, under agenda items 35 and 39, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

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Annex to the letter dated 24 February 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

22 February 2012

Statement of the Ministry of Foreign Affairs of the Nagorno Karabakh Republic

As the anniversary of the incident in Khojaly draws near, Azerbaijan is yet again immersed in its anti-Armenian smear campaign in relation to the 1992 events in the settlement of Khojaly. Khojaly is a village on the territory of the Nagorno Karabakh Republic (NKR), in close proximity to Stepanakert Airport, which was intensively and artificially populated by the Azeri Government, particularly with the Meskhetian Turk minority from the Fergana valley of Uzbekistan, in order to boost its non-Armenian population and give the village the status of a town. The Azeri propaganda machine is again busy promoting false accusations and falsified facts to the broad international community and its own citizens with slanderous statements directed at Armenia and NKR, while continuing to fuel hatred for Armenians.

On 25 and 26 February 1992, the authorities of the Nagorno Karabakh Republic organized a military operation to lift the blockade of the strategically vital airport near the settlement of Khojaly. The operation was also intended to neutralize Azeri military strategic locations rooted inside the settlement of Khojaly. It is from this location that the Azerbaijani OMON (special-purpose militia detachments) had periodically attacked nearby Armenian settlements by utilizing the Alazan, Crystal and Grad rocket systems for nearly a year, since the spring of 1991. During this time, dozens of Armenian civilians were killed and hundreds more wounded and/or kidnapped. The area's agricultural industry was wiped out completely by dispersing and killing thousands of cattle from nearby collective and private farms.

Owing to the lasting blockade, the situation was rapidly worsening in NKR. The local authorities were faced with a growing number of refugees from regional villages, coupled with the closure of most food-producing enterprises owing to the Azeri military blockade of all regional roads leading in and out of NKR. The situation was especially dire in Stepanakert (the capital of NKR), where food, medicine and fuel reserves were exhausted. Under such circumstances, the NKR authorities decided that lifting the airport blockade was an extremely important step to ensure the actual survival of the Republic and its civilians.

Aside from lifting the blockade of the airport, NKR authorities needed to neutralize the military base in Khojaly housing both the Azeri Special Forces OMON and the Azerbaijani Popular Front (APF) paramilitary forces. These military groups concentrated large quantities of manpower as well as strategic heavy offence weaponry deployed for an assault on the nearby cities of Askeran and Stepanakert. It is because of these indicators that a military operation on Khojaly was of increasing importance.

The military operation to lift the blockade of the airport commenced on 25 February 1992 at 11:30 p.m. and ended on 26 February at 3 a.m. Knowing that there were civilians within the village, NKR self-defence forces decided to open two corridors for safe civilian passage out of the settlement and informed the

Azerbaijani side. One corridor extended from the eastern outskirts of Khojaly towards the north-east, along the Karkar riverbed, while the second corridor was opened on the northern outskirts of the settlement towards the north-east of Khojaly. However, the Azerbaijani authorities chose to ignore that goodwill gesture and did nothing to lead the civilian population out of harm's way.

As a result of the military operation in Khojaly, NKR self-defence forces were able to rescue 13 Armenian hostages, including one child and six women, and confiscated two Grad MM-21 volley fire rocket installations, four Alazan units, one 100 millimetre howitzer and three units of armoured equipment. The NKR Artsakh Rescue Service also discovered 11 bodies of civilians from Khojaly and its outskirts. However, the video footage of killed civilians, which has been widely circulated by means of the Azeri propaganda, was taken later in an area 3 kilometres (2 miles) outside Askeran and 11 kilometres (7 miles) away from Khojaly. It is important to underline that this particular footage is aimed at spreading false accusations of alleged Armenian war crimes, while the footage itself was shot in an area where NKR forces entered only in the summer of 1993, over a year after the Khojaly offensive.

The NKR authorities had informed their Azeri counterparts about the intended military operation to neutralize the Azeri military positions within Khojaly two months prior to its commencement. This act of warning was repeatedly confirmed by Azeri officials; one such official was the former President of Azerbaijan Ayaz Mutalibov. However, as the row of civilians from Khojaly approached the Aghdam region, they were met with heavy artillery bombardment from the Azeri military. This was later confirmed by the former Azeri President Mutalibov, who interpreted this act of mutiny as an attempt to overthrow him from his post by falsely blaming him for carrying out such an order. It is important to note that at the time of the Khojaly operation, Azerbaijan was going through political turbulence in which factions were aligned against then-President Ayaz Mutalibov.

An Azerbaijani cameraman, Chingiz Mustafayev, was given access to the area where exchange of the bodies of the deceased was conducted. He made two recordings to document the bodies of the deceased, with a two-day intermission between the recordings. Upon his second recording, Mr. Mustafayev noticed that the civilian bodies were disfigured.

On a separate occasion on 2 March 1992, during an investigative flight over the area where the mass killing had occurred, journalists noticed that the position of the bodies of the deceased had been radically altered and that the number of injuries caused to the bodies had drastically changed. Given the fact that this was on the territory fully controlled by Azeri forces until the summer of 1993, it is fair to state that it was impossible for the NKR self-defence forces to have done this. Unfortunately, Azerbaijan continuously omits this important detail, which underlines that it was not possible for this particular killing to have been committed by the Armenian military forces. It is equally understood that the bodies were rearranged in such a way as to be able to then place the blame on the Armenian forces.

This fact was so shocking to Mr. Mustafayev that he shared it with President Mutalibov, who himself understood the severity of the situation. President Mutalibov even warned Mr. Mustafayev that if he shared this information with anyone he would be in great danger. Mr. Mustafayev was hesitant to believe the

Azeri stance on the incident as Armenian war crimes and started his own investigation. He informed the DR-Press Information Agency in Moscow of his conviction that the incident had not been committed by Armenians, but in fact may very well have been committed by Azeri militia members. After his statements had been received, Mr. Mustafayev was killed in unclear circumstances not far from the city of Aghdam.

Czech journalist Dana Mazalova, at the request of Azerbaijani authorities, was included in both groups of foreign mass media representatives who were flown out via helicopter to survey the incident in order to show the so-called Armenian atrocity by displaying the disfigured bodies scattered over the area. Having visited the place immediately after the events, Mazalova did not recall seeing any traces of disfigurement on the bodies on her earlier visit. However, this time, only two days later, the journalists were shown the disfigured bodies ready for filming. She noticed a considerable difference in the condition of the bodies only a few days after her initial visit, which can only point to crime scene tampering.

In the wake of the military operation, certain incidents still cast a shadow on the actual occurrence, and it is this lack of information that Baku constantly refers to in order to paint the scenario as a war crime. However, the key element in this incident is constantly overlooked in the rhetoric of the Azeri officials: the fact that, in an unfortunate time of military operations, the Azeri military ignored a clear warning and thus subjected its own people to harm. Furthermore, in the wake of such a tragedy Baku officials seem to repeatedly ignore the facts, which indicate malicious conduct and obvious war crimes against their own citizens. But the most important aspect of this incident is the fact that for the past 20 years, the Azerbaijani Administration has made Khojaly the cornerstone of its domestic and foreign policy by derailing the truth as to what exactly occurred in the wake of the Khojaly military operation. Even when numerous high-ranking Azeri officials, foreign human rights activists, journalists and, especially, former inhabitants of Khojaly refute Baku's stance on the incident, Azeri authorities remain steadfast in their denial of truth and continue pursuing this dangerous, slanderous rhetoric.

While the authorities in Baku are busy falsifying information in order to make their propaganda machine even stronger, there is an abundance of statements and testimonies which in fact point to the Khojaly incident not as an Armenian war crime, but rather as a twisted self-inflicted Azeri atrocity. An Azeri human rights activist wrote, "The town and its citizens were deliberately sacrificed for a political goal" (Azerbaijani newspaper *Zerkalo*, July 1992). Another testimony by the former Chair of the Supreme Soviet of the Republic of Azerbaijan stated, "The tragedy was committed by Azerbaijani authorities, specifically by a top-level official" (Azerbaijani newspaper *Mukhalifat*, 28 April 1992). Even former President Heydar Aliyev admitted that "the former leadership of Azerbaijan is also guilty" in reference to the Khojaly events, according to the Bilik-Dunyasi news agency. In April 1992, President Aliyev followed up with a shocking statement: "The bloodshed will profit us. We should not interfere with the course of events."

As the nationalist movement of the Popular Front came to power, ousted former Minister of National Security Vagif Huseynov stated, "The January events of 1990 in Baku and the events in Khojaly are the doings of the same people." He was hinting about the leadership of the newly elected Popular Front. Needless to say, he was soon arrested and sentenced.

The above-mentioned facts testify unequivocally to the fact that the Azerbaijani authorities are guilty of the civilian deaths in Khojaly and are responsible for committing a monstrous crime against their own people for political gain in a game of power struggle.

It is equally important to underline that Azerbaijan has been leading a campaign of falsifying facts in reference to the incident at Khojaly. One such falsification is the skewing of the actual number of victims. Only a few days after NKR forces had neutralized the military stronghold at Khojaly, Azeri officials stated that the total casualty count was estimated at around 100 civilians. Within a week, this number had jumped to 1,234, according to a parliamentary commission. The number was then adjusted to 450, while President Heydar Aliyev stated that the alleged "Azerbaijani genocide" had claimed thousands of civilian lives. In reality, at the start of the military operation official records put the population of Khojaly at barely 2,500 inhabitants. The majority were registered in Khojaly only to elevate its status from that of village to that of a town and were not actually present at the time of the military operation. Another large portion of the population fled the village at the start of the conflict in Nagorno Karabakh prior to the military campaign.

In early March 1992, Azerbaijani journalists Ilya Balakhanov and Vugar Khalilov brought footage of the crime scene to the office of the Memorial Human Rights Centre; in this footage were images of the civilian bodies documented by Baku television reporters and shot from a military helicopter. All attendants have reported that while the footage was being viewed, it was confirmed that the actual body count did not exceed 60.

To further prove the Azeri falsification campaign, NKR Foreign Ministry officials leaked onto the Web a falsified photo of what seemed to be the Khojaly casualties. This photo immediately gained popularity among Azeri websites and was even posted on the website of the Heydar Aliyev Foundation. The photo was placed on numerous websites as evidence of Khojaly massacres, when in fact NKR officials knew that the photograph actually depicted the unfortunate incidents in Kosovo, over a thousand miles away from Khojaly. It is worth mentioning that the Azeri Government constantly uses images from the Kurdish pogroms by the Turkish military as false evidence of the Khojaly incidents. The goal of this smear campaign is to captivate an otherwise uninformed audience in order to paint the NKR administration as aggressors and criminals, when in fact it is the Azeri authorities who are engaged in crimes of lies and murder.

One month after his resignation, ousted President Mutalibov gave an interview to the Czech journalist Dana Mazalova, which was published in *Nezavisimaya Gazeta*. Speaking about Khojaly, Mutalibov stated, "According to the Khojaly inhabitants who were able to escape, the incidents were orchestrated to oust my presidency. Political candidates (alluding to the Popular Front) orchestrated this incident in order to pin it on my presidency and eventually oust me. I do not think that Armenians are responsible for this crime; after all, they have acted professionally in numerous other cases where they easily had the chance to commit an act of war crime. The general reasoning is that a corridor for civilian passage was opened by the Armenian military. Why, then, should they fire at civilians, especially in an area near Aghdam where significant Azeri forces were available for civilian assistance?"

About 10 years later, Azerbaijani former President Mutalibov again confirmed his own idea in an interview with *Novoye Vremya* magazine: "The massacre of the Khojaly inhabitants was obviously organized by somebody in order to stir up the power struggle in Baku to dismiss my presidency."

In February 2005, Azerbaijani journalist Eynulla Fatullayev from the independent magazine *Monitor* spent 10 days in NKR, describing his visit in his writings and interviews. He also dared to challenge the truthfulness of Baku's official version of the death of some Khojaly inhabitants: "Once, 10 years ago, I met with the Khojaly refugees temporarily living in Naftalan (a city near Baku), who frankly told me ... that a few days before the attack, the Armenians, with the help of loudspeakers, kept warning the population of the scheduled operation, suggesting to the civilians that they leave the settlement and break out of the encirclement via a humanitarian corridor, along the Karkar River. According to the same Khojaly civilians, they took advantage of this corridor and the Armenian soldiers on the other side of the corridor did not fire on them ... Getting acquainted with the geographical area, I can confidently say that the assertions by Baku regarding the lack of an Armenian corridor have no grounds. The corridor really existed; otherwise, the Khojaly people, fully encircled and isolated from the outer world, could not have been able to escape the encirclement. Having passed through the area by the Karkar River, the refugees divided into groups, and, for some reason, some of them made their way to Nakhijevanik."

A few days after the publication of Eynulla Fatullayev's first report from Karabakh in *Monitor* magazine, the magazine's editor, Elmar Huseynov, was murdered by a stranger on 2 March 2005, in the entrance to his house in Baku. And Eynulla Fatullayev was convicted of a series of accusations, including high treason, for his report on Khojaly.

Former Azeri Minister of Defence Ragim Gaziyev has also confirmed that the Khojaly incident was a political trap for President Mutalibov. He states, "A trap was prepared for Mutalibov in Khojaly." This way, the organizers of the massacres in Khojaly could achieve two goals at once — oust Mutalibov, who had become less popular after the fall of the Soviet Union, and paint the Armenian forces as aggressors and perpetrators of war crimes. Meanwhile, the fact that Azeri forces were constantly shelling the populated city of Stepanakert, full of innocent civilians, was completely ignored by Azeri authorities.

A Khojaly woman said, in an interview with Helsinki Watch on 28 April 1992, "The Armenians delivered an ultimatum ... that it was better for the Khojaly inhabitants to leave the town with a white flag. Alif Gajiyev (leader of the Khojaly defence) informed us about it on 15 February (10 days before the attack), but this didn't frighten either me or the rest of our citizens. We did not believe at all that they would be able to capture Khojaly." Following these warnings, the majority of the civil population of Khojaly, having been informed of the planned operation, moved to a safe place prior to the incident. This mass migration away from Khojaly was widely covered by Azerbaijani television and radio. While covering the evacuation, the Azerbaijani mass media fuelled a negative attitude towards those leaving Khojaly and constantly harassed them. We should note that Khojaly, which had been turned into a town, was first vacated by the recent immigrants who had been artificially moved there, mainly Meskhetian Turks from Uzbekistan. Moreover, the municipal administration of Khojaly, which had been warned by the Armenian

party, asked for assistance from Azeri military personnel in the evacuation of the population, but these requests went unanswered. The Khojaly Mayor noted, in an interview with the Moscow newspaper *Megapolis Express*, "After getting the news on the expected operation on the capture of the town, I asked Aghdam to send helicopters for evacuation of the elderly, women and children. We were assured that a rescue operation was being prepared. But no assistance was provided." A board member of the Aghdam branch of the Azerbaijani Popular Front, R. Gajiyev, stated, "We could help the Khojaly people, having the corresponding forces and abilities, but the Baku authorities wanted to demonstrate to the people that they had no forces, in hopes of calling upon the army of the Commonwealth of Independent States for help."

As the facts clearly demonstrate, Khojaly inhabitants were merely abandoned. What these citizens did not know was that they were destined to become victims of an ugly power struggle.

At the start of the military operation, part of the civil population of Khojaly had left the settlement, and by late February 1992, according to independent sources, between 1,000 and 2,500 people had stayed behind, the majority of whom were soldiers of the Azerbaijani armed forces. Investigating the destruction in Khojaly, observers from the Memorial Human Rights Centre confirmed that in fact artillery shelling, and not urban street battles, had taken place. In a current accusation, Baku officials state that upon entering the town, Armenian forces took part in war crimes, when in fact most of the casualties resulted from shelling of the town. The NKR self-defence forces were modelled after national defence forces of modern nations, and with this in mind the regiments of the Karabakh military followed strict orders. Under this command it was clearly enforced that harming the innocent civilian population was illegal and punishable to the full extent of the law.

After the NKR military had entered the town, all civilians left in Khojaly were moved to Stepanakert, and a few days later, according to their will and without any preconditions, they were handed over to the Azerbaijani authorities. After a thorough investigation, the fact of the voluntary handover of the Khojaly citizens to Azerbaijan was confirmed in a report of the Memorial Human Rights Centre association in Moscow and attested to in a documentary film by a Saint Petersburg journalist, Svetlana Kulchitskaya.

It is noted, in the report of the Memorial Human Rights Centre, that a State forensic medical examination of 181 bodies (130 males and 51 females, including 13 children) was conducted in Aghdam, where all the refugees had come. The experts' conclusions state that 151 deaths were caused by bullet wounds, 20 by missile explosions and 10 by blows with a blunt object. The NKR authorities informed the observers that they had handed over to Aghdam about 130 bodies (all those killed in Khojaly and near Nakhijevanik), 96 of which were buried in Aghdam; the bodies of the rest were taken by their relatives.

A comparison of the information provided by different sources, including the Azerbaijani ones, convincingly demonstrates that the NKR self-defence forces did not plan, and especially did not carry out any acts of massacre against the civilians in the settlement of Khojaly.

It should also be noted that on 26 February, 47 Armenians were taken hostage in Khojaly, but only 13 were left there after the operation (including 6 women and a

child); the rest of the 34 hostages were taken by the Azeris in an unknown direction, and we have no information confirming their whereabouts in Azerbaijani prisons.

Summarizing the above, we can state that the inhabitants of Khojaly became hostages of unfair political games of the Baku authorities, who later turned this tragedy into a political manipulation. Authorities in Baku try to portray the Azerbaijani authorities' betrayal of Khojaly inhabitants as Armenia's revenge for the bloody pogroms in Sumgait. The entire propaganda is realized with expressive insinuations and aggravation of intolerance and hatred towards Armenians. By regularly raising the issue of Khojaly, Baku authorities are trying to draw the attention of the international community away from the massacres of Armenian civilians in Sumgait, Baku, Kirovabad, Khanlar and other settlements of Azerbaijan, where the widespread extermination of local Armenians has actually taken place. Such pogroms have also taken place in the borderline settlements of NKR, in particular Maragha village, where, in April 1992, the invading sub-units of the Azerbaijani regular army killed around 100 civilians.

Unfortunately, crimes committed by Azerbaijan are not given enough corresponding attention by the international community.

United Nations S/2012/118

Security Council

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28 February 2012
English
Original: Arabic

Letter dated 27 February 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

We have previously submitted a series of complaints to the Security Council regarding the continuing flagrant attacks perpetrated by insurgents from the northern branch of the Sudan People's Liberation Movement (SPLM) against the Sudan, in violation of its territorial unity and sovereignty. I should now like to inform you that some 1,500 of those insurgents have carried out yet another brutal attack. The attack was supported by a substantial number of officers and soldiers from the Sudan People's Liberation Army (SPLA) of South Sudan. Also participating were militants from the so-called "Alliance of the Revolutionary Front", which, according to officials of the northern branch of SPLM, includes insurgent movements in Darfur. The attack began on the morning of Sunday, 26 February 2012 and targeted the White Lake area in Southern Kordofan State, within the territory of the Sudan.

The Government of the Sudan condemns in the strongest possible terms this treacherous attack, which was planned and carried out with the support of the Republic of South Sudan. Moreover, the attack occurred only two weeks after the signing, under the auspices of the African Union and as witnessed by the international community, of the Memorandum of Understanding on Non-Aggression and Cooperation between the Sudan and the Republic of South Sudan.

The Government of the Sudan has notified the international community — particularly the Security Council as the body responsible for preserving international peace and security — as well as the African Union, the League of Arab States and other regional organizations, of South Sudan's recurrent blatant attacks on its territory. The State of South Sudan would not have come into existence without the courageous and responsible position of the leadership, Government and people of the Sudan and their commitment to the Comprehensive Peace Agreement. Yet South Sudan continues to carry out attacks and refuses to sever its links with the ninth and the tenth divisions of the SPLA, which are stationed in South Kordofan and Blue Nile States. South Sudan continues to supply those divisions with arms and combat equipment and to pay the salaries of their members, despite the fact that, in the referendum, the people of the south voted for secession.

The Government of the Republic of South Sudan directly planned and organized the insurgency of the two divisions. It has taken concerted political steps to rally those divisions in South Kordofan and Blue Nile States, along with insurgents from Darfur movements that have refused to sign the Doha Document for

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Peace in Darfur, including the so-called "Revolutionary Front", in an open attempt to undermine the stability and security of the Sudan.

The Government of the Sudan condemns South Sudan for these ongoing criminal actions, which violate all international norms and instruments, including the Charter of the United Nations. It reaffirms that it reserves the full, legitimate sovereign right to respond to that aggression in order to preserve the security and stability of the Sudan and its people.

In drawing your attention to this novel and dangerous development, which is one of a series of treacherous military actions perpetrated by the northern branch of SPLM and aided and abetted by South Sudan, we demand that the Security Council shoulder its responsibilities under the Charter of the United Nations by sending a firm and long-overdue message to the Government of South Sudan that it must end such actions, which undermine security and peace in both countries.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

United Nations A/66/715–S/2012/119

General Assembly
Security Council

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General Assembly
Sixty-sixth session
Agenda item 36
The situation in the Middle East

Security Council
Sixty-seventh year

Identical letters dated 24 February 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a complaint against Israel which, on 8 February 2012, entered into the part of the town of Udaysah with regard to which Lebanon maintains a claim (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-sixth session of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 24 February 2012 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Between 0025 and 0235 hours on 8 February 2012, Israeli enemy forces laid a 40-metre concertina barbed-wire fence at UTM coordinates Q:737280-N:681298, near point TP36, next to the Blue Line in Udaysah, in order to cut off the road to that Line, which runs through a mine field. This point is within the area with regard to which Lebanon made a claim in 2000. It is located some 74 metres from the border with occupied Palestine (the 1949 General Armistice line) and some 38 metres from the Blue Line.

This action is an attack against Lebanese territory and a blatant violation of Lebanese sovereignty, Security Council resolution 1701 (2006), international law and the Charter of the United Nations, and constitutes a threat to international peace and security.

Lebanon requests the Secretary-General to take the measures required to compel Israel to rectify this violation.